

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNELLY & ASSOCIATES, P.C.
200 Four Falls Center, #109
West Conshohocken, PA 19428

Plaintiff,

v.

ASPEN SPECIALTY INSURANCE CO.,
175 Capital Boulevard, #103
Rocky Hill, CT 06067

Defendant.

Civil Action No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Aspen Specialty Insurance Company (“Aspen”), by its undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446 in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania for removal of the above-captioned litigation from the Court of Common Pleas, Philadelphia County, Trial Division, Commerce Program, Case ID No. 200802729, where it is now pending, to the United States District Court for the Eastern District of Pennsylvania.

INTRODUCTION

1. This action was brought against Aspen by Plaintiff Donnelly & Associates, P.C. (“Donnelly”) for a claim in quantum meruit, as well as claims for breach of implied contract and breach of contract, in which Donnelly seeks payment from Aspen for allegedly providing legal services to Aspen’s alleged insureds beginning in or about February of 2017 until approximately August of 2017. Donnelly is a citizen of Pennsylvania and Aspen is a citizen of North Dakota and New York. Because there is complete diversity and the amount in controversy exceeds the

sum or value of \$75,000, this Court may exercise removal jurisdiction over the action pursuant to § 1441(a) and (b).¹

PARTIES

2. Donnelly is a Pennsylvania corporation with a principal place of business at 200 Four Falls Center, Suite 109, West Conshohocken, Pennsylvania 19428.

3. Aspen is a corporate entity organized under the laws of the State of North Dakota with its principal place of business at 590 Madison Avenue, 7th Floor, New York, New York.

PROCEEDINGS TO DATE

4. On or about September 1, 2020, Donnelly filed a Complaint styled Donnelly & Associates, P.C. v. Aspen Specialty Insurance Co., Case ID No. 200802729, in the Court of Common Pleas, Philadelphia County, Trial Division (the “Complaint”), attached hereto as **Exhibit A.**

TIMELINESS

5. On or about September 8, 2020, Aspen first received a copy of the Complaint. *See* Certification of Patrick J. Hughes, Esq., attached hereto as **Exhibit B**, ¶ 3.

6. Aspen timely filed this Notice of Removal within thirty (30) days of its receipt of the Complaint as required by 28 U.S.C. § 1446(b).

GROUNDS FOR REMOVAL

¹ Donnelly’s claims arise out of work related to the “HSS Programs,” a shared risk insurance pool created and run by Hospitality Supportive Systems, LLC, Carman Corporation, Edward Snow, Selective Risk Management, LLC, Selective Law Group, Charles M. O’Donnell, and certain other individuals and entities. Aspen sued these actors for engaging in rampant fraud via the HSS Programs, causing damage to Aspen of over \$40,000,000. That litigation is currently pending before this Honorable Court under docket number 16-cv-01133 before the Honorable Judge DuBois. Aspen intends to seek consolidation of the instant action with that pending action, at least for discovery purposes.

7. For purposes of § 1332, “a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business . . .” 28 U.S.C. § 1332(c)(1).

8. Aspen is a corporate entity organized under the laws of the State of North Dakota with its principal place of business at 590 Madison Avenue, 7th Floor, New York, New York. *See* Ex. B ¶ 4. Thus, it is a citizen of North Dakota and New York for diversity purposes.

9. Donnelly is a Pennsylvania corporation with a principal place of business at 200 Four Falls Center, Suite 109, West Conshohocken, Pennsylvania 19428. *See* Ex. A ¶ 1. Thus, Plaintiff is a Pennsylvania citizen for diversity purposes.

10. Accordingly, there is complete diversity amongst the parties in interest.

11. Pursuant to § 1446(c), where removal is sought based on diversity jurisdiction, the “sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy....” 28 U.S.C. § 1446(c)(2).

12. Donnelly has demanded judgment in its favor against Aspen in the amount of \$87,512, as well as legal fees and any other costs or expenses which the Court deems just and proper. *See* Ex. A at Counts I, II, and III.

13. The damages sought in this action and, therefore, the amount in controversy, exceeds the amount in controversy requirement of \$75,000 in accordance with 28 U.S.C. § 1332.

VENUE

14. Donnelly’s action is pending in the Court of Common Pleas, Philadelphia County, Trial Division, which is within this judicial district. *See* 28 U.S.C. § 118(a). This Court is thus the proper venue for removal under 28 U.S.C. §§ 1441(a) and 1446(a).

NOTICE

15. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to Donnelly. A copy of the Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas, Philadelphia County, Trial Division, in the form attached hereto as **Exhibit C**.

CONCLUSION

For the foregoing reasons, Aspen respectfully demands that this action, previously pending in the Court of Common Pleas, Philadelphia County, Trial Division, be removed to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Respectfully submitted,

CONNELL FOLEY LLP

Dated: October 2, 2020

By:

/s/ Patrick J. Hughes

Patrick J. Hughes (I.D. No. 41403)
457 Haddonfield Road, Suite 230
Cherry Hill, NJ 08002
phughes@connellfoley.com

and

William D. Deveau (*pro hac vice pending*)
185 Hudson Street, Suite 2510
Jersey City, NJ 07311
wdeveau@connellfoley.com

*Counsel for Defendant,
Aspen Specialty Insurance Company*

CERTIFICATE OF SERVICE

I, Patrick J. Hughes, of full age, hereby certify that the within Notice of Removal and accompanying exhibits have been caused to be electronically filed with the Clerk, United States District Court for the Eastern District of Pennsylvania, pursuant to this District's ECF procedures, filed with the Prothonotary of the Court of Common Pleas, Philadelphia County, Trial Division by operation of the Court's electronic filing system, and that a copy has been caused to be served this date, via regular mail and the Court's electronic filing system, upon:

Andrew Lapat, Esq.
Law Office of Andrew Lapat, LLC
349 West Lancaster Avenue #201
Haverford, PA 19041
Attorney for Plaintiff

I certify that the foregoing statements are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 2, 2020

By: /s/ Patrick J. Hughes

Patrick J. Hughes (I.D. No. 41403)
CONNELL FOLEY LLP
457 Haddonfield Road, Suite 230
Cherry Hill, NJ 08002
phughes@connellfoley.com
and
William D. Deveau (*pro hac vice pending*)
CONNELL FOLEY LLP
185 Hudson Street, Suite 2510
Jersey City, NJ 07311
wdeveau@connellfoley.com

*Counsel for Defendant,
Aspen Specialty Insurance Company*

EXHIBIT A

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

AUGUST 2020

E-Filing Number: 2009001335

002729

PLAINTIFF'S NAME
DONNELLY & ASSOCIATES, P.C.

DEFENDANT'S NAME
ASPEN SPECIALTY INSURANCE CO.

PLAINTIFF'S ADDRESS
200 FOUR FALLS CENTER #109
WEST CONSHOHOCKEN PA 19428

DEFENDANT'S ADDRESS
175 CAPITAL BLVD #103
ROCKY HILL CT 06067

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NUMBER OF DEFENDANTS

1

COMMENCEMENT OF ACTION

Complaint
 Writ of Summons

Petition Action
 Transfer From Other Jurisdictions

Notice of Appeal
 Commerce

AMOUNT IN CONTROVERSY

\$50,000.00 or less
 More than \$50,000.00

COURT PROGRAMS

Arbitration
 Jury
 Non-Jury
 Other:

Mass Tort
 Savings Action
 Petition

Minor Court Appeal
 Statutory Appeals

Settlement
 Minors
 W/D/Survival

CASE TYPE AND CODE

1C - CONTRACTS (GOODS), ENFORCE

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED
PRO PROTHY**

IS CASE SUBJECT TO
COORDINATION ORDER?

YES NO

SEP 01 2020

A. SILIGRINI

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: DONNELLY & ASSOCIATES, P.C.

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY
ANDREW LAPAT

ADDRESS
LAW OFFICES OF ANDREW LAPAT
349 LANCASTER AVE
STE 201
HAVERFORD PA 19041

PHONE NUMBER
(610) 649-3769

FAX NUMBER
(610) 649-3477

SUPREME COURT IDENTIFICATION NO.
55673

E-MAIL ADDRESS
aalapat@gmail.com

SIGNATURE OF FILING ATTORNEY OR PARTY
ANDREW LAPAT

DATE SUBMITTED
Tuesday, September 01, 2020, 01:22 pm

**COMMERCE PROGRAM ADDENDUM
TO CIVIL COVER SHEET**

This case is subject to the Commerce Program because it is not an arbitration matter and it falls within one or more of the following types (check all applicable):

- 1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;
- 2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:
 - a. Uniform Commercial Code transactions;
 - b. Purchases or sales of business or the assets of businesses;
 - c. Sales of goods or services by or to business enterprises;
 - d. Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
 - e. Surety bonds;
 - f. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
 - g. Franchisor/franchisee relationships.
- 3. Actions relating to trade secret or non-compete agreements;
- 4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;
- 5. Actions relating to intellectual property disputes;
- 6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;
- 7. Derivative actions and class actions based on claims otherwise falling within these ten types, such as shareholder class actions, but not including consumer class actions, personal injury class actions, and products liability class actions;
- 8. Actions relating to corporate trust affairs;
- 9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy;
- 10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be subject to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA

Filed and Attested by the
Office of Judicial Records
2020-01-22 pm

A. STEIGRINT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

Donnelly & Associates, P.C.
200 Four Falls Center, #109
West Conshohocken, PA 19428

Plaintiff

v.

Aspen Specialty Insurance Co.,
175 Capital Blvd, #103
Rocky Hill, CT 06067

Court of Common Pleas

Philadelphia County

Civil Action No.

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

LAW OFFICE OF ANDREW LAPAT, LLC

By: Andrew Lapat, Esquire

Attorney for Plaintiff

Identification No.: 55673

349 West Lancaster Avenue #201

Haverford, PA 19041

610-649-3769

DONNELLY & ASSOCIATES, P.C.

200 Four Falls Center, #109

West Conshohocken, PA 19428

COURT OF COMMON PLEAS

:

PHILADELPHIA COUNTY

PLAINTIFF,

:

CIVIL ACTION NO.

v.

ASPEN SPECIALTY INSURANCE CO.,

175 Capital Boulevard, #103

Rocky Hill, CT 06067

:

DEFENDANT.

:

:

COMPLAINT

PARTIES

1. Plaintiff, Donnelly & Associates, P.C. (“Donnelly”), is a Pennsylvania professional corporation with a principle place of business at 200 Four Falls Center, Suite 109, West Conshohocken, PA 19428.

2. Defendant, Aspen Specialty Insurance Co. (“Aspen”), is an insurance company with offices in New York and Connecticut. Aspen engages in systematic and continuous business in the Commonwealth of Pennsylvania including providing insurance to businesses in Philadelphia.

FACTS

3. In or about February, 2017 Donnelly commenced work for Aspen defending their insureds.

4. Some of the insureds for which Donnelly provided service were bars and restaurants located within the City of Philadelphia.

5. Donnelly worked defending Aspen's insureds until approximately August, 2017.

6. During the time Donnelly performed legal services defending Aspen's insureds, Aspen did not complain in any respect about the quality of the legal representation provided.

7. During the time Donnelly performed legal services defending Aspen's insureds, Aspen never informed Donnelly that Aspen had no intention of paying for the legal services provided by Donnelly.

8. Aspen allowed Donnelly to continue to provide legal services despite having no intention of paying Donnelly for their services.

9. Aspen has refused to pay Donnelly anything for the legal services provided.

10. Ultimately when Donnelley presented Aspen with a bill for payment on the twenty-seven different matters it worked on.

11. Aspen has refused to pay in each of these matters.

12. For each of the twenty-seven files, Aspen allowed Donnelley to continue to work on the matters in good faith with the expectation that Aspen would fulfill its obligations to pay for the legal service provided.

13. The total cost of the legal services provided to Aspen by Donnelly was \$87,512.

14. In none of the matters did Aspen notify Donnelley that it did not want to pay for the service it was receiving and inform Donnelley to stop working on the files.

15. Donnelley was permitted to continue to work on all of the files for Aspen until Aspen decided that it did not want to pay for the services received.

COUNT I – Quantum Meruit

16. The preceding paragraphs 1- 15 are incorporated herein by reference as though more fully set forth at length.
17. Aspen allowed Donnelley to continue to work on its files and did not notify Donnelley that it did not intend to pay for the service received.
18. Aspen allowed Donnelly to perform legal services on twenty-seven different files.
19. Aspen has received the benefit of the legal service provided by Donnelley and has refused to pay the value of the service it received.
20. Donnelley has been damaged by providing legal services to Aspen which Aspen refuses to pay for.

WHEREFORE, Plaintiff demands judgment against Aspen in an amount of \$87,512 as well as any other damages including but not limited to legal fees due to Defendant's outrageous conduct as well as any other costs or expenses which this Court deems just and proper.

COUNT II – BREACH OF IMPLIED CONTRACT

21. The preceding paragraphs 1- 20 are incorporated herein by reference as though more fully set forth at length.
22. The conduct of Donnelly and Aspen indicated that they had a contract for Donnelly to perform legal services for Aspen.
23. Aspen knowingly allowed Donnelly to perform the legal services on twenty-seven different files and did not advise Donnelly that Aspen would not pay for the services rendered.
24. Aspen has refused to pay for the services rendered.

25. Donnelly has been damaged by Aspen's refusal to pay for the legal services.

WHEREFORE, Plaintiff demands judgment against Aspen in an amount of \$87,512 as well as any other damages including but not limited to legal fees due to Defendant's outrageous conduct as well as any other costs or expenses which this Court deems just and proper.

COUNT III – BREACH OF CONTRACT

26. The preceding paragraphs 1- 25 are incorporated herein by reference as though more fully set forth at length.

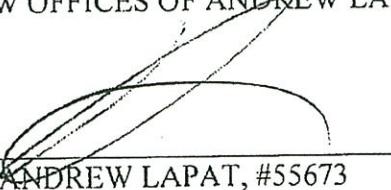
27. Donnelly and Aspen entered into a valid contact in February, 2017.

28. As stated herein, Aspen failed to pay Donnelly for the legal services provided under the contract.

29. Aspen owes Donnelly legal fees incurred under the contract. These legal fees total \$87,512.

WHEREFORE, Plaintiff demands judgment against Aspen in an amount of \$87,512 as well as any other damages including but not limited to legal fees due to Defendant's outrageous conduct as well as any other costs or expenses which this Court deems just and proper.

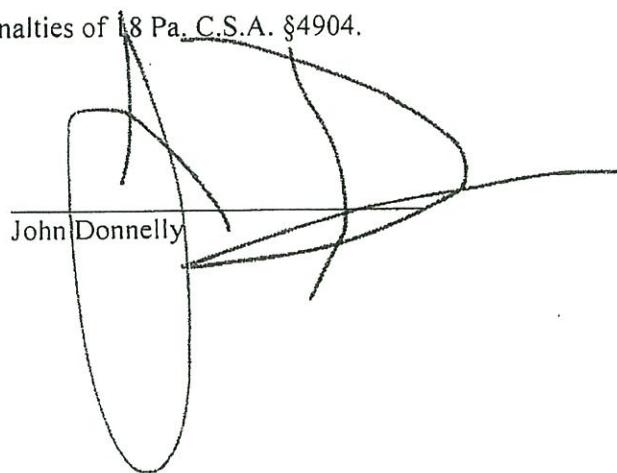
LAW OFFICES OF ANDREW LAPAT, LLC

By: 
ANDREW LAPAT, #55673

Date: September 1, 2020

VERIFICATION

I, John Donnelly, hereby certify that the facts set forth in the foregoing **COMPLAINT** are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904.



A handwritten signature of "John Donnelly" is written in black ink. The signature is cursive and includes a small "J" at the beginning. It is written over a horizontal line. The name is clearly legible, though the lines are somewhat messy.

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONNELLY & ASSOCIATES, P.C.
200 Four Falls Center, #109
West Conshohocken, PA 19428

Plaintiff,
v.

ASPEN SPECIALTY INSURANCE CO.,
175 Capital Boulevard, #103
Rocky Hill, CT 06067

Defendant.

Civil Action No.

**CERTIFICATION
OF
PATRICK J. HUGHES**

I, Patrick J. Hughes, of full age, hereby certify and state as follows:

1. I am a partner at the law firm of Connell Foley LLP admitted to practice before the Court, and am counsel for Defendant Aspen Specialty Insurance Company (“Aspen”) in the above matter. I submit this Certification in further support of Aspen’s Notice of Removal.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint filed in the Court of Common Pleas, Philadelphia County, by Donnelly & Associates, P.C., styled Donnelly & Associates, P.C. v. Aspen Specialty Insurance Co., Case ID No. 200802729.

3. On or about September 8, 2020, Aspen first received a copy of the Complaint via certified mail.

4. Aspen is a corporate entity organized under the laws of the State of North Dakota with its principal place of business at 590 Madison Avenue, 7th Floor, New York, New York.

I certify that the foregoing statements are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 2, 2020

/s/ *Patrick J. Hughes*
Patrick J. Hughes

EXHIBIT C

CONNELL FOLEY LLP

BY: Patrick J. Hughes, Esquire
Identification No: 41403
457 Haddonfield Road – Suite 230
Cherry Hill, New Jersey 08002
phughes@connellfoley.com
(856) 317-7100

DONNELLY & ASSOCIATES, P.C.
200 Four Falls Center, #109
West Conshohocken, PA 19428

Plaintiff,

v.

ASPEN SPECIALTY INSURANCE CO.,
175 Capital Boulevard, #103
Rocky Hill, CT 06067

Defendant.

*Counsel for Defendant, Aspen Specialty
Insurance Company*

COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PA

No.200802729

COMMERCE PROGRAM

**COPY OF NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

To: The Prothonotary of the Court of Common Pleas of
Philadelphia County

Pursuant to 28 U.S.C. § 1446(d), Defendant Aspen Specialty Insurance Company
("Aspen"), files herewith a copy of the Notice of Removal filed in the United States District
Court for the Eastern District of Pennsylvania on October 2, 2020.

CONNELL FOLEY LLP

Dated: October 2, 2020

By: /s/ Patrick J. Hughes

Patrick J. Hughes (I.D. No. 41403)
457 Haddonfield Road, Suite 230

Cherry Hill, NJ 08002
and

William D. Deveau (*pro hac pending*)
185 Hudson Street, Suite 2510
Jersey City, NJ 07311
*Counsel for Defendant,
Aspen Specialty Insurance Company*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Donnelly & Associates, P.C.

(b) County of Residence of First Listed Plaintiff Montgomery, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Andrew Lapat, Esq.
349 West Lancaster Avenue #201, Haverford, PA 19041
(610) 649-3769

DEFENDANTS

Aspen Specialty Insurance Co.

County of Residence of First Listed Defendant New York, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Patrick J. Hughes, Esq. - CONNELL FOLEY LLP
457 Haddonfield Road - Suite 230, Cherry Hill, NJ 08002
(856) 317-7100 / phughes@connellfoley.com

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#).

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	PERSONAL PROPERTY	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	LABOR	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 480 Consumer Credit
<input checked="" type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 388 Product Liability	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise	REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
	<input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> 441 Voting	Habeas Corpus:	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 891 Agricultural Acts
	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 510 Motions to Vacate Sentence	SOCIAL SECURITY	<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 896 Arbitration
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	Other:	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 864 SSID Title XVI	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
		IMMIGRATION		
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§ 1441 and 1446

VI. CAUSE OF ACTION

Brief description of cause:

Alleged contract dispute

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 87,512.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Dubois

DOCKET NUMBER 2:16-cv-01133-JD

DATE

SIGNATURE OF ATTORNEY OR RECORD

20 October 2020

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 200 Four Falls Center, #109 West Conshohoken, PA 19428Address of Defendant: 590 Madison Avenue, 7th Floor, New York, NYPlace of Accident, Incident or Transaction: Eastern Pennsylvania

RELATED CASE, IF ANY:

Case Number: 2:16-cv-01133-JD Judge: Judge Dubois Date Terminated: _____Civil cases are deemed related when **Yes** is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: 10/02/2020*Must sign here*41403

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: _____

Sign here if applicable

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Donnelly & Associates, P.C.	:	CIVIL ACTION
	:	
v.	:	
Aspen Specialty Insurance Co.	:	NO.
	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

October 2, 2020

Date

Patrick J. Hughes

Attorney-at-law

Aspen Specialty Insurance Co.

Attorney for

(856) 317-7100

Telephone

FAX Number

phughes@connellfoley.com
E-Mail Address